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EXHIBITS: None

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NO. 04-11836-RCL

----- x
TRANS-SPEC TRUCK SERVICE, INC.,
d/b/a TRUCK SERVICE,
Plaintiff
vs.
CATERPILLAR, INC.,
Defendant
----- x

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS. SUPERIOR COURT DEPT.
CIVIL NO. 2005-00387-A

----- x
TRANS-SPEC TRUCK SERVICE, INC.,
d/b/a TRUCK SERVICE,
Plaintiff
vs.
MILTON CAT f/k/a SOUTHWORTH-MILTON, INC.
Defendant
----- x

DEPOSITION of HAROLD J. CALDERBANK, a
witness called on behalf of the Plaintiff, taken
pursuant to notice before Robert M. Bramanti,
Certified Shorthand Reporter, Registered Merit
Reporter and Notary Public in and for the
Commonwealth of Massachusetts, at the offices of
Donovan Hatem LLP, Two Seaport Lane, Boston,
Massachusetts, on Wednesday, September 14, 2005,
commencing at 10:06 a.m.

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EXHIBIT

- 1 is?
- 2 A. Yes.
- 3 Q. And the intended region of travel is a
4 consideration?
- 5 A. Yes.
- 6 Q. Do you know what kind of computer software is
7 involved in specing a truck?
- 8 A. From the individual OEM?
- 9 Q. Yes.
- 10 A. No.
- 11 Q. Does Caterpillar have any computer programs that
12 they use in terms of helping determine the
13 appropriateness of engines?
- 14 A. Driveline Spec, yes.
- 15 Q. Could you tell me about that program.
- 16 A. That program will allow you to simulate vehicle
17 capabilities regarding speed capabilities,
18 torque capabilities, startability, things of
19 that nature.
- 20 Q. Do you know if that was ever shown to anyone
21 from Truck Service when they were considering
22 the purchase of the 22 trucks that are at issue
23 in this lawsuit?
- 24 A. Yes.

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- 1 Q. When was that shown to them?
- 2 A. **Sometime during the fall of 1999.**
- 3 Q. Did you show it to someone?
- 4 A. **Yes.**
- 5 Q. Who did you show it to?
- 6 A. **Jay Howard.**
- 7 Q. When did you show him that?
- 8 A. **Sometime during the fall of 1999.**
- 9 Q. Do you remember where?
- 10 A. **At Jay's office.**
- 11 Q. So you went to Jay's office with a laptop, or
- 12 how did you show him this material?
- 13 A. **I had previously prepared it, but it was**
- 14 **prepared from the laptop, yes.**
- 15 Q. How many different simulations did you have
- 16 prepared for him?
- 17 A. **Only one.**
- 18 Q. What was that one? Do you remember any of the
- 19 parameters that one showed?
- 20 A. **It showed a C12 engine, and I would be relying**
- 21 **on memory if I told you the rest of it, but it**
- 22 **was information that was provided by Jay as to**
- 23 **what transmission he was intending to use, what**
- 24 **axle ratio, tire type, and size.**